

AMENDED IN SENATE JUNE 16, 1998

CALIFORNIA LEGISLATURE—1997–98 REGULAR SESSION

ASSEMBLY BILL

No. 1695

Introduced by Assembly Member Knox

January 26, 1998

An act to add Section 653.23 to the Penal Code, relating to crimes.

LEGISLATIVE COUNSEL'S DIGEST

AB 1695, as amended, Knox. Crimes: supervision of a prostitute.

Existing law makes it a misdemeanor for any person to solicit, agree to engage in, or engage in an act of prostitution, or to loiter in any public place with the intent to commit prostitution.

This bill would make it a misdemeanor for any person to ~~loiter in any public place with the intent to~~ direct, supervise, recruit, *attempt to recruit, aid in the inducement, enticement, or solicitation of prostitution or the procurement of another to commit prostitution*, or otherwise aid another person in the commission of an act of prostitution ~~or loitering with the intent to commit prostitution~~, or to collect or receive all or part of the proceeds earned from an act or acts of prostitution committed by another person.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 653.23 is added to the Penal
2 Code, to read:

3 653.23. (a) It is unlawful for any person to ~~loiter in~~
4 ~~any public place with the intent to~~ do either of the
5 following:

6 (1) Direct, supervise, recruit, *attempt to recruit, aid in*
7 *the inducement, enticement, or solicitation of*
8 *prostitution or the procurement of another to commit*
9 *prostitution*, or otherwise aid another person in the
10 commission of a violation of subdivision (b) of Section 647
11 or subdivision (a) of Section 653.22.

12 (2) Collect or receive all or part of the proceeds
13 earned from an act or acts of prostitution committed by
14 another person in violation of subdivision (b) of Section
15 647.

16 ~~This intent is evidenced by acting in a manner and~~
17 ~~under circumstances which openly demonstrate the~~
18 ~~purpose of directing, supervising, or otherwise aiding in~~
19 ~~the inducement, enticement, or solicitation of~~
20 ~~prostitution or the procurement of another to commit~~
21 ~~prostitution, or the purpose of collecting or receiving all~~
22 ~~or part of the proceeds earned from an act or acts of~~
23 ~~prostitution.~~

24 (b) Among the circumstances that may be considered
25 ~~in determining whether a person loiters with the intent~~
26 ~~described in subdivision (a) are that the person:~~ *in*
27 *determining whether a person is in violation of*
28 *subdivision (a) are that the person does the following:*

29 (1) Repeatedly speaks or communicates with another
30 person who is ~~loitering in any public place with the intent~~
31 ~~to commit prostitution~~ *acting in violation of subdivision*
32 *(a) of Section 653.22.*

1 (2) Repeatedly or continuously monitors or watches
2 another person who is ~~loitering in any public place with~~
3 ~~the intent to commit prostitution~~ *acting* in violation of
4 subdivision (a) of Section 653.22.

5 (3) Repeatedly engages or attempts to engage in
6 conversation with pedestrians or motorists ~~in a manner~~
7 ~~indicative of an attempt~~ to solicit, arrange, or facilitate an
8 act of prostitution between the pedestrians or motorists
9 and another person who is ~~loitering~~ *acting* in violation of
10 subdivision (a) of Section 653.22.

11 (4) Repeatedly stops or attempts to stop pedestrians or
12 motorists ~~in a manner indicative of an attempt~~ to solicit,
13 arrange, or facilitate an act of prostitution between
14 pedestrians or motorists and another person who is
15 ~~loitering~~ *acting* in violation of subdivision (a) of Section
16 653.22.

17 (5) Circles an area in a motor vehicle and repeatedly
18 beckons to, contacts, or attempts to contact or stop
19 pedestrians or other motorists ~~in a manner indicative of~~
20 ~~an attempt~~ to solicit, arrange, or facilitate and act of
21 prostitution between the pedestrians or motorists and
22 another person who is ~~loitering~~ *acting* in violation of
23 subdivision (a) of Section 653.22.

24 (6) Receives or appears to receive money from
25 another person who is ~~loitering with the intent to commit~~
26 ~~prostitution~~ *acting* in violation of subdivision (a) of
27 Section 653.22.

28 (7) Engages in any of the behavior described in
29 paragraphs (1) to (6), inclusive, in regard to or on behalf
30 of two or more persons who are ~~loitering~~ in violation of
31 subdivision (a) of Section 653.22.

32 (8) Has been convicted of violating this section,
33 subdivision (a) or (b) of Section 647, subdivision (a) of
34 Section 653.22, Section 266h, or 266i, or any other offense
35 relating to or involving prostitution within five years of
36 the arrest under this section.

37 (9) Has engaged, within six months prior to the arrest
38 under subdivision (a), in any behavior described in this
39 subdivision, with the exception of paragraph (8), or in
40 any other behavior indicative of prostitution activity.

1 (c) The list of circumstances set forth in subdivision
2 (b) is not exclusive. The circumstances set forth in
3 subdivision (b) should be considered particularly salient
4 if they occur in an area that is known for prostitution
5 activity. Any other relevant circumstances may be
6 considered in ~~determining whether a person has the~~
7 ~~requisite intent~~. Moreover, no one circumstance or
8 combination of circumstances is in itself determinative of
9 ~~intent. Intent~~. A violation of subdivision (a) shall be
10 determined based on an evaluation of the particular
11 circumstances of each case.

12 (d) *Nothing in this section shall preclude the*
13 *prosecution of a suspect for a violation of Section 266h or*
14 *266i or for any other offense, or for a violation of this*
15 *section in conjunction with a violation of Section 266h or*
16 *266i or any other offense.*

17 SEC. 2. No reimbursement is required by this act
18 pursuant to Section 6 of Article XIII B of the California
19 Constitution because the only costs that may be incurred
20 by a local agency or school district will be incurred
21 because this act creates a new crime or infraction,
22 eliminates a crime or infraction, or changes the penalty
23 for a crime or infraction, within the meaning of Section
24 17556 of the Government Code, or changes the definition
25 of a crime within the meaning of Section 6 of Article
26 XIII B of the California Constitution.

27 Notwithstanding Section 17580 of the Government
28 Code, unless otherwise specified, the provisions of this act
29 shall become operative on the same date that the act
30 takes effect pursuant to the California Constitution.